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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,355	02/28/2002	Robert Portman	TBA	8462
26345	7590	10/15/2003	EXAMINER	
GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE 1 RIVERFRONT PLAZA NEWARK, NJ 07102-5497			KAM, CHIH MIN	
			ART UNIT	PAPER NUMBER
			1653	

DATE MAILED: 10/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/085,355		PORTMAN, ROBERT	
	Examiner		Art Unit	
	Chih-Min Kam		1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>10/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Informalities

The disclosure is objected to because of the following informalities:

1. Figs. 4 and 5 are cited at page 11, lines 13 and 15, however the drawings are not submitted, and there is no Fig. 3. Appropriate correction is required.

Claim Rejections

2. Claims 2-13 and 15-21 are objected because of the use of "A nutritional intervention in accordance with Claim 1" or "A method in accordance with Claim 14". The term "The nutritional intervention in accordance with Claim 1" or "The method in accordance with Claim 14" should be used because they are dependent from claim 1 or 14.

Claim Rejections-Obviousness Type Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 2 and 4-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, 7, 9-12, 17, 20 and 23-26 of U. S. Patent 6,436,899 in view of Phillips *et al.* (U. S. Patent 5,468,727). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 2 and

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4-13 in the instant application disclose a nutritional intervention composition in powder form to be taken before a meal to extend post meal satiety, comprising from about 63 to 74 weight percent of a protein that stimulates CCK release, from about 18 to 25 weight percent of a C₁₂₋₁₈ fatty acid that stimulates CCK release, and an extract of plant material containing a proteinase inhibitor having about 0.16 to about 0.63 weight percent. This is obvious in view of claims 1, 6, 7, 9-12, 17, 20 and 23-26 of U. S. Patent 6,436,899 taken with Phillips *et al.* (U. S. Patent 5,468,727), where the claims of U. S. Patent 6,436,899 disclose a nutritional intervention composition in dry powder to be taken before or during a meal for extending post meal satiety, comprising a protein of casein, whey or soy in 0.1 to 10 g, a glycomacropeptide or caseinmacropeptide in 0.025 to 10 g, at least one long chain C₁₂₋₁₈ fatty acid in 1.0 to 15.0 g, and a fiber in 0.2 to 10 g, wherein the composition has a total weight of 1.425 to 58 g (e.g., a composition (32 g) containing 10 g casein, 10 g caseinmacropeptide, 6 g fatty acid gives about 63% protein (20 g/32 g) and about 18.8% fatty acid); and, Phillips *et al.* disclose Proteinase Inhibitor II (POT II) is an effective gastric emptying inhibiting substance (column 3, line 57-column 4, lines 12), and a drink composition for studying gastric emptying contains 50 g glucose solution, 20 g of protein plus 1.5 g of POT II extract from potato having 70% POT II (column 12, lines 33-56), which corresponds to 1.46% (1.5 x 0.7/71.5) POT II in the total composition and is "about 0.63%". Because POT II can effectively inhibiting gastric emptying, it would have been obvious to a person of ordinary skill in the art to prepare a nutritional intervention composition as indicated by the claims of U. S. Patent 6,436,899 with the addition of POT II as taught by Phillips *et al.* for extending post meal satiety more effectively. Thus, the combined references result in the claimed invention. Both the claims of present application and the claims

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of U. S. Patent 6,436,899 in view of Phillips *et al.* encompass a nutritional intervention composition to extend post meal satiety, comprising a protein that stimulates CCK release, a C₁₂₋₁₈ fatty acid that stimulates CCK release, and a proteinase inhibitor. Thus, claims 1, 2 and 4-13 in present application and claims 1, 6, 7, 9-12, 17, 20 and 23-26 of U. S. Patent 6,436,899 in view of Phillips *et al.* (U. S. Patent 5,468,727) are obvious variations of a nutritional intervention composition to be taken before a meal to extend post meal satiety, comprising from about 63 to 74 weight percent of a protein that stimulates CCK release, from about 18 to 25 weight percent of a C₁₂₋₁₈ fatty acid that stimulates CCK release, and an extract of plant material containing a proteinase inhibitor with about 0.16 to about 0.63 weight percent.

4. Claims 1, 4-11, 14, 15, 17 and 19-21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10, 12, 13, 18, 26, 27, 29, 30 and 37 of U. S. Patent 6,429,190 in view of Phillips *et al.* (U. S. Patent 5,468,727).

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 4-11, 14, 15, 17 and 19-21 in the instant application disclose a nutritional intervention composition in powder form to be taken before a meal to extend post meal satiety, comprising from about 63 to 74 weight percent of a protein that stimulates CCK release, from about 18 to 25 weight percent of a C₁₂₋₁₈ fatty acid that stimulates CCK release, and an extract of plant material containing a proteinase inhibitor having about 0.16 to about 0.63 weight percent; and a method of extending post meal satiety and decreasing post meal hunger in a human comprising administering the composition. This is obvious in view of claims 1, 10, 12, 13, 18, 26, 27, 29, 30 and 37 of U. S. Patent 6,429,190 taken with Phillips *et al.* (U. S. Patent 5,468,727), where the claims of U. S. Patent 6,429,190 disclose a nutritional intervention composition for

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adding to food for extending post meal satiety, comprising whey protein enriched with glycomacropeptide in 1.0 to 5.0 g, a long chain C₁₂₋₁₈ fatty acid in 1.0 to 6.0 g, a source of calcium in 1.0 to 4.0 g, a potato fiber in 1.0 to 6.0 g, a glutomannan fiber in 0.5 to 4.0 g, a guar fiber in 1.0 to 4.0 g, and alfalfa in 0.05 to 3.0 g, wherein the composition has a total weight of 5.55 to 32 g (e.g., a composition (9.55 g) containing 5 g whey protein, 1 g fatty acid gives 52% (about 63%) protein and 10.5% (about 18%) fatty acid) and a method of extending the satiety of food by adding the nutritional composition; and, Phillips *et al.* disclose Proteinase Inhibitor II (POT II) is an effective gastric emptying inhibiting substance (column 3, line 57-column 4, lines 12), and a drink composition for studying gastric emptying contains 50 g glucose solution, 20 g of protein plus 1.5 g of POT II extract from potato having 70% POT II (column 12, lines 33-56), which corresponds to 1.46% (1.5 x 0.7/71.5) POT II in the total composition and is “about 0.63%”. Because POT II can effectively inhibiting gastric emptying, it would have been obvious to a person of ordinary skill in the art to prepare a nutritional intervention composition as indicated by the claims of U. S. Patent 6,429,190 with the addition of POT II as taught by Phillips *et al.* for extending post meal satiety more effectively. Thus, the combined references result in the claimed invention. Both the claims of present application and the claims of U. S. Patent 6,429,190 in view of Phillips *et al.* encompass a nutritional intervention composition to extend post meal satiety, comprising a protein that stimulates CCK release, a C₁₂₋₁₈ fatty acid that stimulates CCK release, and a proteinase inhibitor; and a method of extending the satiety by administering the nutritional composition. Thus, claims 1, 4-11, 14, 15, 17 and 19-21 in present application and claims 1, 10, 12, 13, 18, 26, 27, 29, 30 and 37 of U. S. Patent 6,429,190 in view of Phillips *et al.* (U. S. Patent 5,468,727) are obvious variations of a nutritional intervention

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composition to be taken before a meal to extend post meal satiety, comprising from about 63 to 74 weight percent of a protein that stimulates CCK release, from about 18 to 25 weight percent of a C₁₂₋₁₈ fatty acid that stimulates CCK release, and an extract of plant material containing a proteinase inhibitor with about 0.16 to about 0.63 weight percent; and a method of extending the satiety by administering the nutritional composition.

5. Claims 1, 2, 4-10, 12 and 13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 53, 60, 61, 63, 71-72, 75, 82, 85, 87, 92, 93, 95 and 97 of copending application 10/211,676 in view of Phillips *et al.* (U. S. Patent 5,468,727). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 2, 4-10, 12 and 13 in the instant application disclose a nutritional intervention composition in powder form to be taken before a meal to extend post meal satiety, comprising from about 63 to 74 weight percent of a protein that stimulates CCK release, from about 18 to 25 weight percent of a C₁₂₋₁₈ fatty acid that stimulates CCK release, and an extract of plant material containing a proteinase inhibitor having about 0.16 to about 0.63 weight percent. This is obvious in view of claims 53, 60, 61, 63, 71-72, 75, 82, 85, 87, 92, 93, 95 and 97 of copending application 09/817,943 taken with Phillips *et al.* (U. S. Patent 5,468,727), where the claims of copending application disclose a nutritional intervention composition in dry powder to be taken before or during a meal for extending post meal satiety, comprising a glycomacropeptide or caseinmacropeptide in 0.025 to 10 g, at least one long chain C₁₂₋₁₈ fatty acid in 1.0 to 15.0 g, and a fiber in 0.2 to 10 g, wherein the composition has a total weight of 1.225 to 24 g (e.g., a composition (16 g) containing 10 g caseinmacropeptide, 3 g fatty acid gives about 63% protein and about 19% fatty acid); and, Phillips *et al.* disclose Proteinase

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Inhibitor II (POT II) is an effective gastric emptying inhibiting substance (column 3, line 57-column 4, lines 12), and a drink composition for studying gastric emptying contains 50 g glucose solution, 20 g of protein plus 1.5 g of POT II extract from potato having 70% POT II (column 12, lines 33-56), which corresponds to 1.46% ($1.5 \times 0.7/71.5$) POT II in the total composition and is "about 0.63%". Because POT II can effectively inhibiting gastric emptying, it would have been obvious to a person of ordinary skill in the art to prepare a nutritional intervention composition as indicated by the claims of copending application with the addition of POT II as taught by Phillips *et al.* for extending post meal satiety more effectively. Thus, the combined references result in the claimed invention. Both the claims of present application and the claims of copending application in view of Phillips *et al.* encompass a nutritional intervention composition to extend post meal satiety, comprising a protein that stimulates CCK release, a C₁₂₋₁₈ fatty acid that stimulates CCK release, and a proteinase inhibitor. Thus, claims 1, 2, 4-10, 12 and 13 in present application and claims 53, 60, 61, 63, 71-72, 75, 82, 85, 87, 92, 93, 95 and 97 of copending application 10/211,676 in view of Phillips *et al.* (U. S. Patent 5,468,727) are obvious variations of a nutritional intervention composition to be taken before a meal to extend post meal satiety, comprising from about 63 to 74 weight percent of a protein that stimulates CCK release, from about 18 to 25 weight percent of a C₁₂₋₁₈ fatty acid that stimulates CCK release, and an extract of plant material containing a proteinase inhibitor with about 0.16 to about 0.63 weight percent.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a nutritional intervention composition in a dry powder for extending post meal satiety comprising casein, whey or soy protein that stimulates cholecystokinin (CCK) release, oleic acid or a C12-C18 fatty acid, calcium and a proteinase inhibitor from potato, POT II within specific percentage range; and a method of extending post meal satiety and decreasing post meal hunger in a human by administering to the human prior to the meal a drink containing the composition, does not reasonably provide enablement for a nutritional intervention composition in a dry powder form for extending post meal satiety comprising a protein that stimulates CCK release, a long chain fatty acid, calcium and a proteinase inhibitor within specific percentage range; or a method of extending post meal satiety and decreasing post meal hunger in a human by administering to the human prior to the meal a drink containing the composition, where the protein and the proteinase inhibitor are not identified. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

Claims 1-21 encompass a nutritional intervention composition in a dry powder for extending post meal satiety comprising a protein that stimulates CCK release, a long chain fatty acid, calcium and a proteinase inhibitor within specific percentage range (claims 1-13), and

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a method of extending post meal satiety and decreasing post meal hunger in a human by administering to the human prior to the meal a drink containing the composition (claims 14-21). The specification, however, only discloses cursory conclusions (page 5, lines 2-9), which states that a nutritional intervention composition in a dry powder, comprising a protein, a long chain fatty acid, calcium and a proteinase inhibitor within specific percentage range is taken prior to a meal and extends post meal satiety in a fashion that is efficient in terms of added calories. There are no indicia that the present application enables the full scope in view of a nutritional intervention composition in extending post meal satiety as discussed in the stated rejection. The present application provides no indicia and no teaching/guidance as to how the full scope of the claims is enabled. The factors considered in determining whether undue experimentation is required, are summarized in In re Wands (858 F2d at 731,737, 8 USPQ2d at 1400,1404 (Fed. Cir.1988)). The factors most relevant to this rejection are the breath of the claims, the presence of working examples, the state of the prior art and relative skill of those in the art, the unpredictability of the art, the nature of the art, the amount of direction or guidance presented, and the amount of experimentation necessary.

(1). The breath of the claims:

The breath of the claims is broad and encompasses unspecified variants regarding the proteins that stimulate CCK release and the proteinase inhibitors in the nutritional intervention composition, which are not adequately described or demonstrated in the specification.

(2). The presence or absence of working examples:

The specification demonstrates a nutritional intervention composition comprising a whey protein, oleic acid or C12-C18 fatty acid, calcium and a proteinase inhibitor from potato, POT 2,

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and the use of the composition prior to a meal reduced hunger and extended satiety following the meal (Experiments 1-2). There are no other working examples indicating the variants in association with the claimed methods.

(3). The state of the prior art and relative skill of those in the art:

The prior art (e.g., Phillips *et al.*, U. S. Patent 5,468,727) disclose Proteinase Inhibitor II (POT II) from potato is an effective gastric emptying inhibiting substance, and a drink composition for studying gastric emptying contains POT II extract from potato; Hill et al. (Physiology & behavior Vol. 48, pages 241-246, 1990) teach POT II increases CCK release and oral administration of POT II reduces energy intake in man, as well as dietary protein is a stimulus for CCK release. However, the general knowledge and level of the skill in the art do not supplement the omitted description, the specification needs to provide specific guidance on identities of various proteins and proteinase inhibitors that stimulate CCK release and the effects of the composition containing these proteins and protein inhibitors to be considered enabling for variants.

(4). Predictability or unpredictability of the art:

The claims encompass various proteins and proteinase inhibitors that stimulate CCK release, however, the identities and the effects of these proteins and proteinase inhibitors are not described in the specification, the invention is highly unpredictable regarding the outcome of the claimed method.

(5). The amount of direction or guidance presented and the quantity of experimentation necessary.

The claims are directed to a nutritional intervention composition for extending post meal satiety comprising a protein that stimulates CCK release, a long chain fatty acid, calcium and a proteinase inhibitor within specific percentage range, and a method of extending post meal satiety and decreasing post meal hunger in a human by administering to the human prior to the meal a drink containing the composition. The specification demonstrates a nutritional intervention composition including a whey protein, oleic acid or a C12-C18 fatty acid, calcium and a proteinase inhibitor from potato, POT II having specific percentage range, which can extend post meal satiety and decrease post meal hunger (Experiments 1 and 2), it also indicates both trypsin and chymotrypsin are involved in inactivating CCK releasing protein (CCKRP), where CCKRP stimulates CCK release from intestinal cells, it appears that chymotrypsin plays a more important role in inhibiting CCK release, thus, the nutritional intervention composition of the present invention including proteinase inhibitors from potato, soy or beans that block trypsin as well as chymotrypsin would provide more effective CCK release in human (page 5, lines 10-13). However, the specification has not demonstrated the use of nutritional intervention compositions containing various proteins or various proteinase inhibitors that stimulate CCK release in extending meal satiety and decreasing post meal hunger, nor has shown the effects of these compositions. Since the specification does not provide sufficient teachings on the use of various proteins and various proteinase inhibitors in the composition for extending meal satiety, it would require additional guidance to carry out further experimentation to assess the effect of the composition containing various proteins and proteinase inhibitors that would stimulate CCK release.

(6). Nature of the Invention

The scope of the claims is directed to compositions containing various proteins and proteinase inhibitors that stimulate CCK release and a method of extending meal satiety using the composition, however, however the specification has not demonstrated the use and the effects of these variants. Thus, the disclosure is not enabling for reasons discussed above.

In summary, the scope of the claim is broad, while the working example does not demonstrate the claimed compositions and methods, the effect of the composition is unpredictable and the teachings in the specification are limited, therefore, it is necessary to have additional guidance and to carry out further experimentation to assess the effects of various nutritional intervention compositions in extending meal satiety.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 1-21 are indefinite because of the use of the term "CCK". The term "CCK" renders the claim indefinite, it is unclear what "CCK" means. The full spelled out words should be indicated at the first instance of use in the independent claim. Claims 1-21 are also indefinite as to whether the protein of part (a) includes the proteinase inhibitor of part (3) or not since the proteinase inhibitor is a protein and stimulates CCK release. Claims 2-21 are included in the rejection because they are dependent on a rejected claim and do not correct the deficiency of the claim from which they depend.

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9. Claims 4 and 16 are indefinite because whey, soy and a mixture of essential amino acids are not per se proteins.

10. Claims 6 and 18 are indefinite because of the use of the term “calcium citrate maleate”. The term “calcium citrate maleate” renders the claim indefinite; it is not clear what “calcium citrate maleate” is, e.g., is it a mixture of calcium maleate and calcium citrate? Claims 6 and 18 are also indefinite because no period “.” is indicated at the end of the sentence.

11. Claims 10 and 11 are indefinite because of the use of the term “water soluble, natural or artificial, extracts of apple....” or “water soluble, natural or artificial, dyes of blue....”. Claim 10 and 11 are written such that “water soluble, natural or artificial, ...” are species of the Markush group and as currently found in the claim are senseless.

12. Claims 12 and 13 are indefinite because there is no apparent antecedent basis for “said calorie content”.

13. Claims 14-21 are indefinite because the claim lacks essential steps in the method of extending post meal satiety and decreasing post meal hunger in a human. The omitted steps are the amount of the drink containing the composition administered and the outcome of the process. Claims 15-21 are included in the rejection because they are dependent on rejected claims and do not correct the deficiency of the claim from which they depend.

14. Claims 15 and 18 are indefinite because the claims are directed to methods, however, they are dependent from a product claim.

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Conclusion

15. No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (703) 308-9437. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, Ph. D. can be reached on (703) 308-2923. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-0294 for regular communications and (703) 308-4227 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Chih-Min Kam, Ph. D. *CMK*
Patent Examiner

October 9, 2003

Christopher S. F. Low
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